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South Carolina House of Representatives

M. Bostick

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

April 2, 1996

No. 12

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WEEK IN REVIEW

HOUSE

concurrence in Senate amendments, to be ratified

H. 4354 provides that a reserve police officer with at least two hundred forty (240) hours of logged service would not have to be accompanied at all times by the officer to whom he is assigned if approved by the chief or sheriff. Instead he could stay in proximate contact, such as by radio. The Senate amendment was technical in nature. **H. 4361** directs the Alzheimer's Disease and Related Disorders Resource Coordination Center to develop a grant program to assist with problems relative to this disease. In awarding grants, consideration must be given to the study's recommendations regarding priority needs and criteria for selecting grant recipients. The bill also requires that a grant recipient provide matching funds or in-kind contributions.

received 3rd reading, to be ratified

S. 688 provides that licensed individuals may transport and sell, except Florida largemouth bass, certain cultured game fish to stock or restock such fish exceeding four inches in overall length. The measure also provides a definition of "cultured game fish." **S. 1081** concerns state health and dental benefits contracted for by non-state entities. The bill authorizes a state agency or department to withhold funds payable to agencies delinquent in their premium payments. Instead this money would be remitted to the State Office of Insurance Services. Another bill concerning state health and dental benefits, **S. 1082**, authorizes the Budget and Control Board to establish administrative procedures similar to those used by the federal government when resolving claims. **S. 1140** authorizes a joint agency to contract with another joint agency for collection, transfer, and/or disposal of solid waste. The measure also requires that governing bodies contract for these services with the joint agency. **S. 1148** authorizes the Budget and Control Board to cancel an agency's or local government's property insurance when premium payments to the State Reserve Fund remain delinquent sixty days after the invoice. The bill also authorizes the State Treasurer to withhold delinquent amounts from subsequent revenue distributions. In addition, the measure provides that delinquencies could be written off as bad debts after one year.

received 3rd reading, sent to Senate

H. 4526 provides that unauthorized entry into any building in which the General Assembly meets is illegal. The measure includes Carolina Plaza where the Legislature is meeting while the State House is being renovated. **H. 4570** expands the Waste Tire Grant Committee from ten members to twelve by adding a member from the Auto Recyclers and Dismantlers Association and a recycler. **H. 4627** authorizes administration of all occupational and professional boards by the Department of Labor, Licensing, and Regulation. **H. 4666** provides that the South Carolina

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Research Authority may be known as the "SCRA." It also is authorized it to form for-profit and not-for-profit corporations. H. 4676, regarding Bingo laws, defines a "nonprofit organization" as one which is organized and operated exclusively for charitable, religious, or fraternal purposes. H. 4681 provides that a South Carolina Business Development Corporation and its securities are exempt from corporate license taxes and fees. The bill also expands the sources from which such a corporation may borrow money, and deletes the requirement that its loans bear a particular interest rate. H. 4699 defines "rollback millage" by providing a formula for its determination as it relates to the Homestead Exemption from school operating taxes. Millage is derived by dividing the prior year's property tax revenues by the adjusted total assessed value. H. 4716 subjects foreign beer brewers and their distributors to the same laws which govern agreements between their domestic counterparts. H. 4726 extends the prohibition against taking striped and white bass hybrids from certain areas of the Savannah River until July 1, 2001. The bill also expands the area included in the moratorium to include up to the Augusta Lock and Dam rather than the New Savannah Bluff Lock Dam as it is currently. H. 4727 prohibits the taking of striped bass less than twenty-one inches in the following rivers: Weotuma, Pee Dee, Black, Sampit, Cooper, Ashley, Edisto, Ashpoo, Combahee, Coosawhatchie, New, and Savannah. Catch limits are set at five fish. H. 4779 is a joint resolution which approves a regulation of the Department of Health and Environmental Control (DHEC). That regulation reauthorizes the State Underground Petroleum Environmental Response Bank (SUPERB) Fund, and provides for the ranking for cleanup of these underground tanks according to site specification. H. 4793 approves a regulation of the Department of Transportation (DOT) which establishes building and maintenance requirements for bus shelters. H. 4790, also known as the "Banking and Branching Efficiency Act of 1996," authorizes the branching, merging, and cooperative agreements of state banks with out-of-state banks, and allows banks in this state to keep their names when bought by out-of-state holding companies. H. 4801 provides that candidates for public office do not have to file a statement of economic interest when declaring candidacy if he already has a current statement on file with his supervisory office. H. 4822 extends the due date for state income taxes to be paid by military personnel stationed in Bosnia. Under the measure, those affected would not have to pay taxes until they return home.

concurrent resolution adopted

H. 4821 sets the appeals court judicial election for noon Wednesday, April 10, 1996. H. 4841 designates May 2, 1996 as "Legislative Family Day" in recognition of the patience and understanding shown by families of members of the General Assembly. Both measures were sent to the Senate and assigned to the Invitations Committee.

received 2nd reading

S. 846 provides for the issuance of state Olympic license tags. An estimated \$23,000 per thousand tags would be raised from sales of these tags. The revenue would be distributed equally between the United States Olympic Committee and the South Carolina Special Olympics. S. 991 revises the "Omnibus Insurance Fraud and Reporting Act." Requested by the Insurance Fraud Division of the Attorney General's Office, the bill provides that all state agencies are required to

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report any knowledge or suspicion of insurance fraud, and establishes immunity from liability for such reports. It also provides immunity to insurance employees designated to investigate fraud who share information with the National Insurance Crime Bureau, the National Association of Insurance Commissioners, or other insurance employees designated to investigate fraud. H. 4518 provides for a referendum to amend the State Constitution. Currently state and local governments may invest in only fixed income securities, such as bonds and savings accounts. They were prohibited from investing in stocks after severe losses last century. While the State Retirement Fund and the State Police Officers Retirement System are currently solvent, both the State Treasurer and an independent actuarial report indicate that increasing membership will strain future pensions. This joint resolution allows voters to determine whether state and local governments should broaden their portfolios to include stocks, which are traditionally more volatile and produce greater returns. Two-thirds of the legislature is needed for passage, while approval is only needed by a majority of voters.

contested

H. 3021 proposes a referendum allowing voters to determine whether the state should sponsor a lottery. Revenue from this lottery would be spent on education or infrastructure. H. 3812, which received second reading last week, had that reading stripped away when it was reconsidered. The joint resolution concerning affirmative action, originally prohibited state and local governments from using race, sex, color, ethnicity, or national origin as a criterion for discriminating against or for granting preferential treatment to an individual or group when hiring. However, an amendment was adopted which permits preferential treatment concerning national origin. H. 3987 revises the fee schedule and provides that farm truck license fees apply to the gross vehicle weight rather than the maximum empty weight. H. 4396 requires that insurance companies pay for hospitalization for at least forty-eight hours for mothers and their newborns after vaginal deliveries, and ninety-six hours after caesarian births. H. 4430, known as the "School Crime Report Act," provides that all school-related crime be reported to the Attorney General's Office. The measure also permits students convicted of violent crimes or ones involving weapons, to be expelled. H. 4480 authorizes the running of coyotes with dog for training purposes in a private enclosed fox-hunting-dog-training facility. An amendment to the bill increases penalties for illegally bringing a coyote into the state. Current penalties are a sentence of up to one year or a fine of not more than five hundred dollars (\$500). The amendment makes violations subject to a fine of not less than five thousand dollars (\$5,000) and imprisonment of not less than one year. H. 4586 establishes a separate grievance procedure for employees of the Department of Transportation (DOT). The bill also directs DOT's Commission to foster private/public partnerships.

recalled

H. 4822 was recalled from the Ways and Means Committee. It extends the due date for state income taxes to be paid by military personnel stationed in Bosnia. Under the measure, payment would not be due until they returned home. The joint resolution received third reading and was sent to the Senate for consideration. H. 4829 was recalled from the Agriculture, Natural Resources, and Environmental Affairs Committee. The joint resolution prohibits the Department

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of Health and Environmental Control (DHEC) from issuing a permit to or approving an application from a particular Lexington County landfill. The measure also requires the Secretary of State to send a copy of the resolution to each DHEC board member. It received third reading in the House last week and was sent to the Senate for consideration.

SENATE

concurrence in House amendments, to be ratified

S. 507 revises requirements to open a private detective business in the state. The House amendment authorizes a retired commissioned law enforcement officer employed as a private detective or private investigator to carry a weapon.

nonconcurrence in House amendments, amended, returned to House

S. 421 provides that a referendum to create a community recreation special tax district may be held during either a general election or a special election set by county council. The amendment also requires that before annexation of an area, a petition must be signed by at least fifteen per cent of qualified electors living in that area must be submitted first. Also, the area must be contiguous. Another provision authorizes districts to pledge collateral for projects, and to borrow money by means other than bonds.

third reading reconsidered, returned from House, amended, returned to House for concurrence

S. 409 provides immunity from liability for businesses and professionals sponsoring kayaking or canoeing activities due to the inherent risk involved in the sports. The Senate revised the bill to expand immunity from liability to those sponsoring rafting activities as well.

received third reading, to be ratified

H. 3101 provides that child support must be ordered when a child, between eighteen and nineteen years old, is in high school and making progress toward graduation. **H. 3131** repeals the requirement that personal service contracts must be registered within ten days at the Office of Mesne Conveyance or the Clerk of Court. Currently these files are not being kept. **H. 3870** provides that disability income insurance may exclude coverage for disabilities which begin during the first twenty-four months and result from a preexisting condition. **H. 3871** authorizes a garbage truck to stop on the road in order to collect garbage. It is required to maintain flashing hazard lights

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while stopped. H. 4369 provides for voluntary withholding of state and federal income taxes from unemployment compensation.

received third reading, returned to the House with amendments

H. 3106 requires daycare facilities to comply with local zoning ordinances. H. 3532 provides immunity from liability to roller skating rinks due to the inherent risk of the sport. Only a lawsuit claiming negligence could be filed. The Senate extended the immunity from liability to owners of ice skating rinks as well. H. 3848 requires that mortgage forms include the name and address of the mortgagor and of the mortgagee, as well as the book, page, and date of recording of the original mortgage. The Senate amendment provided that a toll free number for the assignee may be provided if such a number is available. H. 3897 repeals laws requiring gigging licenses in Game Zone 11. An amendment was adopted but later struck down which prohibited the use of airboats on the Waccamaw, the Great and Little Pee Dee, the Black, and the Sampit Rivers in Georgetown County. H. 4313 originally authorized the Citadel to increase the principal on outstanding bonds for housing and auxiliary facilities from \$25 to \$35 million dollars. The bill was amended in the Senate to include the "Higher Education Revenue Bond Act" which would impact borrowing by all higher education institutions. H. 4354 provides that a reserve police officer with at least two hundred forty (240) hours of logged service would not have to be accompanied at all times by the officer to whom he is assigned. Instead, he could stay in proximate contact, such as by radio. The Senate amendment requires approval from the chief or sheriff as well. H. 4544 provides that a photo copy of an original record by certain insurance entities must be considered an original record for all purposes, even legal. The Senate amendment provided that this provision would apply to documents of the South Carolina Property and Casualty Insurance Guaranty Association and the South Carolina Health Insurance Pool as well as the others listed.

received third reading, sent to Senate

S. 200 provides that public school students may be excused from class to receive off-campus religious instruction. Elementary students could be excused for up to sixty minutes per week, while middle school, junior high, or high school students could be excused for one class period per week. The bill requires prior written parental permission and attendance records from the sponsoring religious institution. Schools would not be responsible for transportation. Students would be required to make up missed work. S. 699 increases the interest rate of real property sold for delinquent taxes from eight to twelve per cent in the last six months of the redemption period. This provision, however, would not apply to owner-occupied residential property. Successful buyers at delinquent tax sales would receive an additional four per cent interest on real property redeemed in the last six months of the redemption period. S. 921 provides that all regulations requiring review by the General Assembly would expire five years after their effective dates unless approved for additional five year periods. S. 981 authorizes a study of the impact of immigration on health care costs, other aging network services, and tax policies in this state. S. 1041, known as the "Worker Reference Bill," grants employers immunity when providing work references for former employees. Absolute immunity would be granted for such objective information as hiring date and salary. Limited immunity would be granted for such subjective information as work ethic

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and habits. Lawsuits could be brought only when a knowingly false or reckless disclosure was made. The House version of this bill, H. 4387, has been passed by that chamber and referred to the Senate Judiciary Committee. S. 1054 provides that the Public Service Commission's prior approval of joint agency projects concerning transmission, distribution, or transformation of electric power and energy is not necessary. However, in these cases, prior approval by the joint agency's governing body would be required. S. 1064 authorizes the use of paper ballots in special elections. S. 1092, concerning fireworks laws, provides a civil penalty not to exceed one thousand dollars (\$1,000) for each violation. This revenue would be put into the General Fund. S. 1160 makes numerous revisions concerning election laws. The measure revises absentee ballots and their requirements, while providing that challenged votes are provisional. The Bureau of Vital Statistics is required to furnish the State Election Commission with a monthly report of persons eighteen years old or older who died during the previous month as opposed to those twenty-one or older as is currently reported. Other provisions ease the calling of special meetings of party clubs, provide for published notification of municipal elections, designate filing requirements for candidates, and authorize poll watchers for nonpartisan and write-in candidates, as well as provide requirements for poll watcher badges. The bill also deletes the requirement that voter registration books be kept in the Clerk of Court's Office, and provides that only a single registration book must be provided to each polling district rather than two as currently required. It also provides that only the county election commission could appoint the chairman of the board of managers. S. 1162 permits a dealer license plate to be displayed on a motor vehicle which the dealer lends to economic development personnel based on an agreement with the county government which employs the economic development personnel. S. 1210 deletes the requirement that a person's name be removed from registration books if he has not voted in the last two elections. The measure also deletes the requirement that his name be restored automatically upon his request if removal has been for that reason. S. 1213 authorizes a referendum to determine whether to delete the provision that a person may vote only in the precinct of his residence. A separate question on the ballot would ask whether to delete the provision that a person who moves within thirty days of an election must be allowed to vote in the precinct of his former residence. S. 1216 brings the state into compliance with the federal "Motor Voter" law. It enacts provisions for multiple site voter registration, and specifies designated registration agencies. The fiscal impact of this legislation is estimated to be \$1 million dollars annually. S. 1252 reauthorizes the Scenic Highways Committee. S. 1285 prohibits the use of number two or smaller rubber padded foot-hold traps to catch gray foxes in Game Zone 9. S. 1286 prohibits daycare centers from knowingly hiring a person convicted of a violent or sex crime, as well as certain other offenses. Such applicants would be guilty of a misdemeanor and subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any criminal history. However, this provision would not apply to employees of church-run daycare centers. S. 1295, the Central Cancer Registry Act, creates a state cancer registry and authorizes the Department of Health and Environmental Control to provide aid to any cancer patient, not just indigent patients. The measure also establishes the Cancer Control Advisory Committee to identify high-risk groups and cluster cancer cases through statistical information.

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concurrent resolution adopted

H. 4797 sets elections of members of boards of trustees for several institutions of higher education for noon Wednesday, April 10, 1996. Both chambers now have adopted this concurrent resolution.

received second reading

S. 1035, regarding local government expenditures mandated by the General Assembly, provides that counties are bound by general and special appropriation acts even when they do not receive two-thirds approval of the legislature. **S. 1187** provides that the South Carolina Research Authority may be known as the "SCRA," and authorizes it to form for-profit or not-for-profit corporations. The House version of this bill, **H. 4666**, received third reading in that chamber last week and was sent to the Senate for consideration. **S. 1272** requires that referendum questions and the sponsor's name must be on file with the State Election Commission the next working day after a petition is received. **H. 4064**, concerning manufactured housing, provides several definitions and provides that construction standards apply to mobile homes as well. It requires that manufactured home contractors, installers, and repairers warrant their work for twelve months. The bill provides that a criminal violation is cause for denying a license to sell manufactured housing. It also revises some license expiration dates and fines for license violations. Another provision adds a tenth member to the "Manufactured Housing Board." That person must be a licensed manufactured home contractor, installer, or repairer.

special order

S. 1195 defines the mission of higher education in the state, and provides the Commission on Higher Education with regulatory authority. The legislation allows the Commission to close institutions which do not meet standards and to eliminate programs where duplication is not needed. It also establishes critical success factors for academic quality, and prescribes performance indicators to measure these success factors. In addition, the measure revises the way budgets of higher education institutions are determined, based in part on achievement of standards. **H. 3320** enacts the "South Carolina Personal Watercraft and Boating Safety Act of 1996." The bill provides that no one under sixteen years old may operate a jet ski, and that jet skis may not be operated before dawn or after sunset. It also provides that a person riding a jet ski must wear a life preserver, and that the jet ski must meet certain mechanical requirements. Violations would be considered a misdemeanor and subject to a fine ranging from fifty to three hundred dollars (\$50-\$300).

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recalled

S. 1269 was recalled from the Senate Labor, Commerce, and Industry Committee. The bill provides the Secretary of State with discretion in determining whether to renew the license of a private personnel agency when the licensee fails to apply for renewal of the license within the statutory deadline.

conference committee assigned

Senators Glen McConnell, Luke Rankin, and Tyrone Courtney were appointed to the conference committee for H. 3300. That bill requires public notification of sex offenders living in the community. Currently these offenders are required to register with law enforcement officials, however, this list is not open to the public. The House refused to concur in a Senate amendment which would not require that the name of a person convicted of consensual sex with a minor be included on the list.

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COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

Committee members reported favorably on three bills last week. **S. 688** provides that licensed individuals may transport and sell most cultured game fish to stock or restock such fish exceeding four inches in overall length. The measure excludes only Florida largemouth bass. It also provides a definition of "cultured game fish." **H. 4726** extends until July 1, 2001 a prohibition against taking striped and white bass hybrids from certain areas of the Savannah River. The bill also expands the area included in the moratorium to include up to the Augusta Lock and Dam rather than the New Savannah Bluff Lock Dam as it is currently. **H. 4727** prohibits the taking of striped bass less than twenty-one inches in the following rivers: Weotuma, Pee Dee, Sampit, Cooper, Ashley, Edisto, Ashepoo, Combahee, Coosawhatchie, New, and Savannah. The bill also limits the number of striped bass which may be caught to five fish.

H. 3553 was discussed but failed to be approved. The bill prohibits the transportation of spent nuclear fuel or high-level radioactive waste in the state without an environmental impact statement and certification that the material does not pose a significant risk. However, a motion has been made to reconsider the measure when the Committee meets next.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee gave favorable reports to two bills, as amended: **H. 4637**, The Higher Education Accountability Act and **H. 4323**, which raises the maximum speed limit on interstate highways to seventy miles per hour.

The Motor Vehicle and Highway Safety Subcommittee amended and gave favorable reports to two bills: **H. 4112** which requires the Department of Transportation to compile information on stretches of the highway where two or more accidents have occurred and address the problem areas with a safety plan; and, **H. 4477** which requires cars driven by someone without an active license to be impounded at the driver's expense. The Subcommittee also reported out two bills without recommendations: **H. 4366**, as amended, requires children to use helmets when riding bicycles on public roads and sets penalties for parents who knowingly allow children to ride without helmets; **H. 3215** allows two dealer plates to be issued, at twenty dollars apiece, to dealers who sell vehicles they have altered for use by the handicapped.

JUDICIARY

Committee members reported favorably on four bills last week. **H. 4498** prohibits trespassing upon railroad tracks. Violations would be considered a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or a sentence of not more than thirty days. **H. 4526** provides that unauthorized entry into any building in which the General Assembly meets

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is illegal. The measure includes the Carolina Plaza where the Legislature is meeting while renovations are made on the State House. **H. 4537** prohibits daycare centers from knowingly hiring a person who has been convicted of a violent or sex crime, and certain other offenses. Such applicants would be guilty of a misdemeanor and subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any criminal history, including anyone fifteen years old or older who lives in a family daycare situation. However, a grandfather clause excludes anyone who has been working continuously in a daycare since July 1, 1991. The bill is similar to **S. 1286** which has been passed by the Senate and assigned to the House Judiciary Committee. **H. 4699** defines "rollback millage" by providing a formula for its determination as it relates to the Homestead Exemption from school operating taxes. The millage is derived by dividing the prior year's property tax revenues by the adjusted total assessed value.

H. 4353 was tabled by the Committee. The measure would have required elected officials to resign if they change parties while in office. The office would have been declared vacant, and a special election would have been held.

LABOR, COMMERCE, AND INDUSTRY

The Labor, Commerce and Industry Committee gave favorable reports to three bills, as amended: **H. 4627** which brings all occupational and professional boards under the administration of the Department of Labor, Licensing and Regulation; **H. 4694** designed to ensure affordable universal service in the deregulated telecommunications market; and, **S. 991**, which expands immunity for reporting actual or suspected insurance fraud.

The Labor and Commerce Subcommittee gave a favorable report to **H. 3913**, a bill which exempts homeowners associations from regulations for swimming pool construction and operation permits.

The Real Estate Subcommittee recommended approval for **R. 1908**, a regulation proposed by the Residential Builders Commission to establish qualifications and fees for home inspectors similar to those which apply to residential builders and specialty contractors.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee gave a favorable report to **H. 3182**, as amended, which sets conditions for when consent must be obtained from next of kin before an autopsy may be performed or organs removed from the deceased.

The Military and Public Affairs Subcommittee reported favorably on **H. 4568**, a bill which would allow the South Carolina Mental Health Commission to establish on its own property state veterans' homes to serve those veterans whose mental or physical conditions require long term care.

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WAYS AND MEANS

Six bills were reported favorably last week by committee members. **S. 517** concerns annual leave for state employees who have a break in service. Their annual leave is calculated on the number of years service, with a cap at ten years. This bill deletes that ten year cap if the break in service is less than five years. If the break is greater, then the ten year cap would still apply. **S. 1072** provides that no property tax would have to be paid by nonprofit housing corporations that provide rental or cooperative housing for elderly, handicapped, or low to moderate income families. This measure affects fifteen facilities in the state, and shifts about \$14,000 of local property taxes to other taxpayers. **H. 3671** provides that sales tax must be paid by a resident of another state who buys a boat and motor in this state. **H. 4569** permits up to two years of service credits for maternity leaves for state employees. Currently an employee may establish up to one year of service credit for maternity leave if she pays the full actuarial cost, but not less than twelve per cent of annual salary. To be eligible to establish this maternity leave credit, an employee must not have been absent from work for more than two years. This bill removes the requirement that she return to work within two years to claim the service credits. **H. 4737** reauthorizes Educational Television (ETV), and revises qualifications for serving on the ETV Commission. The measure also establishes the Information Technology Advisory Council, and requires that the Budget and Control Board approve requested information technology equipment. ETV would be required to implement a marketing plan, increase revenue generated at each of the regional stations, and open its daycare facilities to the public. In addition, an evaluation of the effectiveness of instructional television would be made. **H. 4796** authorizes owners of semitrailers to pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. The bill also requires the Department of Public Safety to assess the value of motor carriers subject to property tax.

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BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S. 68 HAZARDOUS MATERIALS EMERGENCY LIABILITY Sen. McConnell

The proposed legislation provides immunity from liability for a technical expert who provides advice and assistance to a local government during a hazardous materials emergency.

S. 1285 GRAY FOX TRAPPING Sen. McGill

Affecting only game zone nine, the measure prohibits the trapping of gray foxes with number two or smaller rubber padded foot-hold traps.

H. 4815 EROSION CONTROL STRUCTURES Rep. Sharpe

This bill provides an exemption to the prohibition against building new erosion control structures seaward of the setback line for an island with an eroding Atlantic Coast shoreline according to certain specifications. The measure provides that any future plan for construction of erosion control devices on the island must address all unprotected eroding shoreline, and must provide for a funding source for future maintenance. In addition, the proposed legislation specifies that such an island would be eligible for beach renourishment funds.

H. 4819 PERMITTED BAIT ON THE EDISTO RIVER Rep. Rhoad

The measure expands the type of bait which may be used with 9/0 or larger single-barbed set hooks on the Edisto River to include stump-knockers and ring-eyes.

H. 4829 LEXINGTON COUNTY LANDFILL Rep. Koon

The joint resolution would prevent the Department of Health and Environmental Control (DHEC) from issuing a permit to or approving an application for a specific Lexington County landfill until July 1, 1997. Concerns have been raised about possible soil and water contamination at the proposed site, which is adjacent to a residential neighborhood. The measure also requires the Secretary of State to send copies of this joint resolution to each DHEC board member.

EDUCATION AND PUBLIC WORKS

S. 200 RELIGIOUS INSTRUCTION FOR PUBLIC SCHOOL STUDENTS Sen. Wilson

This bill would, under certain circumstances, allow public school students to attend off-campus religious instruction without being considered absent.

S. 1117 "PUBLIC SCHOOL FACILITIES ASSISTANCE ACT" Senate Education

This bill establishes the School Facilities Assistance Authority to disburse funds annually to school districts for the expansion or improvement of facilities. Funds must be distributed according to the following formula: fifty percent based on district need, twenty-five percent based on demonstrated effort of facility funding, and twenty-five percent based on relative wealth of district. Not more than ten percent of total funds must be set aside to be expended as Special

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Needs Grants to help districts cope with sudden growth, health hazards, natural disasters, etc.

S. 1252 SCENIC HIGHWAYS COMMISSION Sen. Land

This bill would do away with the provision that the Scenic Highways Commission be terminated effective June 30, 1997 unless reauthorized by the General Assembly.

H. 4824 SCHOOL BUSES Rep. Fulmer

This bill offers a host of revisions to the operation of school buses including the proper use of former school buses, permission for school bus drivers to assist disabled students, disciplinary powers of drivers, and a driver salary schedule.

H. 4838 TRAFFIC VIOLATIONS COMMITTED IN OTHER STATES Rep. Moody-Lawrence

This joint resolution instructs the Department of Revenue and Taxation to develop a process that allows a driver who commits a traffic violation in another state to inform the Department of the violation and its disposition.

JUDICIARY

S. 409 KAYAKING/CANOEING/RAFTING LIABILITY Sen. McConnell

The bill provides immunity from liability to a kayaking, canoeing, or rafting sponsor or professional due to the inherent risk of the sport. In order to bring a lawsuit, negligence would have to be proven.

S. 921 STATE REGULATIONS Sen. Bryan

The measure provides that all regulations requiring review by the General Assembly would expire five years after their effective dates unless approved for additional five year periods.

S. 1064 PAPER BALLOTS Sen. McConnell

The bill authorizes the use of paper ballots in special elections.

S. 1160 ELECTIONS REVISIONS Sen. Holland

The proposed legislation makes numerous revisions concerning election provisions. It revises absentee ballots and their requirements, while providing that challenged votes are provisional. Under the measure, the Bureau of Vital Statistics is required to furnish the State Election Commission with a monthly report of persons eighteen years old or older who died during the previous month as opposed to twenty-one years old or older as is reported currently. Other provisions ease the calling of special meetings of party clubs, provide for published notification of municipal elections, designate filing requirements for candidates, and authorize poll watchers for nonpartisan and write-in candidates, as well as providing requirements for poll watcher badges. The bill also deletes the requirement that voter registration books be kept in the Clerk of Court's office, and provides that only a single registration book must be provided to each polling district rather than two as currently required. It also provides that only the county election commission could appoint the chairman of the board of managers.

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S. 1210 REGISTERED VOTERS Sen. Jackson

The measure deletes the requirement that the voters be removed from registration books who have failed to vote in the last two elections. The bill also deletes the requirement that voters who appeal have their names restored automatically upon their request.

S. 1213 VOTING PRECINCTS Sen. Holland

The measure provides for a referendum to determine whether to delete the provision that a person may vote only in the precinct of his residence. A separate question on the ballot would ask whether to delete the provision that a person who moves within thirty days of an election must be allowed to vote in the precinct of his previous residence.

S. 1216 MOTOR VOTER LAW Sen. Holland

The bill would bring the state into compliance with the federal "Motor Voter" law. It enacts provisions for multiple site voter registration, and specifies designated registration agencies. The fiscal impact of this legislation is estimated to be \$1 million dollars annually.

S. 1286 DAYCARE EMPLOYEES Sen. Judiciary

The proposed legislation prohibits daycare centers from knowingly hiring a person convicted of a violent or sexual crime and certain other offenses. Such applicants would be guilty of a misdemeanor and subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any criminal history. However, this provision would not apply to employees of church-run daycare centers.

H. 4818 JUVENILE OFFENDER DETENTION REQUIREMENTS Rep. Harrison

The measure provides that a child must be kept in a secure detention facility when no suitable alternative placement is available for a child who is taken into custody for breaking the law, and when the court determines that continued detention is best to protect the child or the public. The measure also specifies time frames for juvenile review, and expands the circumstances under which a juvenile may be fingerprinted. In addition, it expands the conditions under which the court may waive temporary commitment for evaluation.

H. 4823 COUNTERFEITING Rep. Haskins

This bill expands the definition of "counterfeit mark" and increases penalties for trademark violations. Under the measure, penalties would be dependant upon the retail sales value of the counterfeit merchandise. If under three thousand dollars (\$3,000), a person would be guilty of a misdemeanor and subject to a fine of up to three thousand dollars (\$3,000) or imprisonment of not more than three years. If the value was between three to ten thousand dollars (\$3,000-\$10,000), a violator would be guilty of a felony and subject to a fine of up to five thousand dollars (\$5,000) or imprisonment of up to five years. Violations involving counterfeit merchandise worth over ten thousand dollars (\$10,000) would be punishable by a fine of not more than ten thousand dollars (\$10,000) or a sentence not exceeding ten years. The bill also gives the Secretary of State's investigators statewide jurisdiction, and provides for seizure of goods, materials, and equipment.

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H. 4826 DOCUMENTARY STAMP TAX Rep. Boan

The measure basically reinstates the former documentary stamp tax paid when transferring real estate, and provides for exemptions from the deed recording fee. The fee would be divided between the state and county. One dollar and thirty cents (\$1.30) for each five hundred dollars or fractional part thereof the property's worth would be received by the state, and fifty-five cents (\$0.55) for each five hundred dollars or fractional part of the property's value.

The bill also provides for distribution of the revenue. Of the state's one dollar and thirty cents (\$1.30) fee, ten cents (\$0.10) would be credited to the Heritage Land Trust Fund, twenty cents would go into the State Housing Trust Fund, and one dollar (\$1.00) would be placed into the state's General Fund, as would all of the county fee.

H. 4827 GRIEVANCES AGAINST LAW ENFORCEMENT OFFICERS Rep. Kennedy

Under the measure, grievance commission panels would be created in each congressional district to investigate and hear public complaints against law enforcement officers. The panels also would determine necessary action to be taken. The bill establishes the composition and tenure of the panels, and provides that the panel's chairman must be selected by the legislative delegation. In addition, the bill establishes an appeals process.

H. 4830 UNIFORM LIMITED LIABILITY COMPANY ACT OF 1996 Rep. Harrison

The proposed legislation revises state guidelines for limited liability companies to conform to recent federal regulatory changes. The measure also permits disclosure of taxpayer records to the Secretary of State under certain conditions.

H. 4831 UNMARKED PATROL CARS Rep. Jaskwich

This joint resolution requires the Department of Public Safety to study whether the use of unmarked patrol cars is necessary, and to report back to the House and Senate Judiciary Committees on the findings.

H. 4847 PROBATION Rep. Wilkins

The measure provides that probation is a form of clemency. The bill also requires the director of the Department of Probation, Parole and Pardon Services to develop supervision policies and procedures.

H. 4851 PRISONER CONFINEMENT Rep. Knotts

This bill prohibits a prisoner who escaped or attempted an escape from a medium, close, or maximum custody facility, from serving the remainder of his sentence or any resulting sentence in a minimum security facility for at least five years after the escape or attempted escape and one year before his projected release date. The measure also authorizes the Department of Corrections rather than the Correction Director to designate the place of confinement.

H. 4852 NATURAL RESOURCES' ARRESTS Rep. Whatley

The measure authorizes enforcement officers and deputy enforcement officers with the Department of Natural Resources to use an official summons for violations of laws and regulations of various state agencies. The bill also addresses cash bail provisions.

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H. 4856 LICENSE REVOCATION Rep. Limehouse

The proposed legislation provides that law licenses may be revoked for the enforcement of child support. Currently this type of license is exempted.

LABOR, COMMERCE, AND INDUSTRY

S. 1054 JOINT POWER AGENCIES Sen. J. Verne Smith

This bill allows a joint power agency to sell its excess electrical power wholesale and relieves the agency from having to obtain permission from the Public Service Commission when building distribution projects (i.e. electrical substations).

H. 4836 WORKERS' COMPENSATION FOR SPILL RESPONSE TEAMS Rep. Sharpe

This bill specifies a total average weekly wage for volunteer hazardous materials-spill response teams to be used in calculating workers' compensation.

S. 1092 IMPROPER SALE OR STORAGE OF FIREWORKS Sen. Moore

This bill provides civil penalties for the unlawful sale or storage of fireworks.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S. 21 TATTOO PARLORS Sen. Mescher

This bill allows certain ornamental tattooing to be conducted in state so long as the recipient is at least eighteen years old.

S. 981 IMMIGRANTS AND HEALTH CARE Sen. Giese

This Joint Resolution directs the Joint Legislative Committee on Aging to work in conjunction with certain state agencies to study and report to the General Assembly on the impact of immigration on health care costs, tax policies, and services for the aging.

H. 4828 CHIROPRACTIC LICENSES Rep. Harrison

This bill requires the Board of Chiropractic Examiners to use a national rather than a state practical examination for licensure and a written examination testing applicants' knowledge of state regulations and other subjects.

H. 4843 COIN-OPERATED VIDEO MACHINE REFERENDUMS Rep. Sheheen

This bill would allow the county referendums on allowing payouts on coin-operated video machines to be held beginning with the 1996 rather than the 1998 General Election.

H. 4845 PROFESSIONAL AND OCCUPATIONAL BOARDS Rep. G. Brown

This bill would place professional and occupational boards under a uniform framework.

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H. 4849 PHYSICAL THERAPISTS Rep. Cooper

This bill conforms the Physical Therapists Board to a uniform framework for the organization and operation of professional and occupational boards.

WAYS AND MEANS

S. 699 REDEMPTION OF DELINQUENT PROPERTY Sen. Richter

The bill increases the interest rate of real property sold for delinquent taxes from eight to twelve per cent in the last six months of the redemption period. This provision, however, would not apply to owner-occupied residential property. Under the measure, the interest rate would rise to twelve per cent. Successful buyers at delinquent tax sales would receive an additional four per cent interest on real property redeemed in the last six months of the redemption period.

H. 4822 INCOME TAX RETURNS Rep. Robinson

This joint resolution extends the due date for income taxes to be paid by military personnel stationed in Bosnia. Under the measure, those affected would not have to pay state income tax until they return home.

H. 4825 MOTOR FUEL TAX Rep. Boan

The measure revises several provisions concerning motor vehicle fuel taxes. Among those, the bill would prohibit local governments from taxing gas and diesel fuel. The due date of the annual report from fuel vendors of total gallons of gas sold would be changed to February 1 from the current January 21st.

H. 4833 STATE TAX REFUNDS Rep. Robinson

The proposed legislation revises refund and appeals provisions concerning a variety of state taxes.

H. 4834 STATE TAX PROVISIONS Rep. Robinson

This measure revises numerous provisions concerning a variety of state taxes. The proposed legislation expands medical supplies for diabetics which are exempted from sales tax.

H. 4835 WATERCRAFT TAXES Rep. Robinson

Concerning property taxes, the bill extends certain exemptions from property taxes and addresses assessment of property. It provides that an owner may receive a four per cent assessment on only one residence per year. The proposed legislation expands the exemption to include watercraft assessed at less than fifty dollars (\$50). It provides for the assessment process for aircraft and watercraft. The measure also deletes the required special license tags for Medal of Honor recipients and Prisoners of War (POW's). It requires property tax assessment notices be mailed by February 1st rather than the current July 1st.

H. 4837 VIDEO GAMES LICENSE FEES Rep. Meacham

The bill imposes an additional five hundred dollar (\$500) biennial licensing fee on video games with a free play feature. This revenue would be credited to a separate "Video Gaming Social Consequences Fund" which would be administered by the Department of Alcohol and other Drug

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Abuse Services. Money from the fund would be used to provide support programs and to enforce video poker laws and regulations.

H. 4842 SALES TAX Rep. Canty

This measure increases the maximum sales tax paid on vehicles from three hundred dollars (\$300) to five hundred (\$500).

H. 4843 VIDEO POKER PAYOUTS Rep. Sheheen

The proposed legislation authorizes video poker referendums in 1996.

H. 4848 VEHICLE SURCHARGE Rep. Felder

Under provisions of this measure, a five per cent surcharge would be placed on rental vehicles (not leased vehicles), and must be put into a segregated account. This surcharge would belong to the State and would not be subject to creditor liens of either the person who rented the vehicle or the rental company.

H. 4854 EDUCATION MAINTENANCE FUND Rep. Townsend

This bill establishes the South Carolina Education Maintenance Fund with expenditures used solely for the Education Finance Act (EFA) and K-12 purposes. The Fund will be comprised of money from soft drinks, alcohol, beer and wine, and low level radioactive waste disposal fees.

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FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page. Click on the "Quick-Find Guide" on the first page. Click on "Reports" on the next page. This will list all of the Legislative Updates by week. Click on the week you need.

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